IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 19946 of 2004

Between:

P. Venkateshwarlu, S/o. Ramaiah,
Uppalapadu Village, Veldurthy Mandal, Guntur District.

..... PETITIONER

AND

1 Revenue Divisional Officer, Civil Supplies, Narasaraopet, Guntur District.
2 The Mandal Revenue Officer, Civil Supplies, Veldurthy Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction particularly one in the nature of Writ of Writ of Mandamus declaring the action of the 2nd respondent in not accepting the amount/money and release of Essential commodities to petitioner to distribute under Andhra Pradesh State Public Distribution System Control Order, 2001 to the cardholders of the petitioner's Fair Price Shop without assigning any reasons and without notice as illegal, arbitrary, unjust, in violation of principals of Natural Justice and in violation of 21 of Constitution of India and consequently direct the 2nd respondent to release of /Essential commodities to petitioner to distribute under Andhra Pradesh State Public Distribution System Control Order, 2001 to the cardholders of the Petitioner's Fair Price shop.

Counsel for the Petitioner: MR.V.PADMANABHA RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner was appointed as a fair price shop dealer of Uppapalapadu Village, Velduthy Mandal, Guntur District, in the year 1979. His grievance is that the respondents stopped the supply of essential commodities from July, 2004 onwards. He states that though he made repeated efforts to secure the supplies, the respondents are not acceding to the request.

On behalf of the respondents, a counter affidavit is filed. It is stated that the petitioner did not come forward with the demand drafts for release of essential commodities since last several months. It is also stated that the authorization of the petitioner expired by 31.03.2003 and thereafter he did not apply for renewal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is not in dispute that the appointment of the petitioner as a fair price shop dealer is still in force. It is neither suspended nor cancelled. It is true that the authorization is required to be renewed from time to time. While the respondents state that the authorization of the petitioner expired by 31.03.2003, the petitioner states that he made an application for renewal enclosing a challan No.4389, dated 13.03.2003 and the same has not been attended to. It is not uncommon in the Department of Civil Supplies that even while the applications for renewal of authorization are pending, the supplies are continued. The reasons for non-lifting of essential commodities by the petitioner from the month of July, 2004 to till date are not clear.

Be that as it may, once the petitioner had submitted his application for renewal of authorization before it expired, the respondents cannot withhold the stocks. Whatever may have been the justification or reasons for not releasing the stocks, if the petitioner submits the demand drafts for the value of the essential commodities for the month of March, 2005, the respondents shall release the essential commodities, if the appointment of the petitioner as dealer is still in force. In case the respondents are of the view that the petitioner is required to comply with any other

conditions, they shall intimate to the petitioner of the same, within a period of one week from the date of receipt of challan.

The writ petition is accordingly disposed of. There shall be no order as to costs.

_____

01.03.2005

Jsu

To

1 Revenue Divisional Officer, Civil Supplies, Narasaraopet, Guntur District.
2 The Mandal Revenue Officer, Civil Supplies, Veldurthy Mandal, Guntur District.

3 2 CCs to the G.P.for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

4 2 CD copies